

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF:

Attorney Docket: 2540-0590

REED, John et al.

Group Art Unit: 2155

Application Serial No.: 10/632,097

Examiner: ENG, David Y.

Filing Date: August 1, 2003

Title: **METHOD AND APPARATUS FOR  
DISCOVERY AND INSTALLATION OF  
NETWORK DEVICES THROUGH A  
NETWORK**

Date: January 7, 2008

**DECLARATION OF JAMES SHELTON UNDER 37 C.F.R. § 1.131**

I, James Shelton, hereby declare as follows:

1. I am one of the named inventors on the above-identified patent application.
2. Attached hereto as Exhibit 1 is a true and correct copy of a document entitled "Avocent Install and Discovery Protocol Specification" dated January 16, 2002 ("the AIDP specification"). I have reviewed the claims pending in the above-referenced application and the AIDP specification. As explained below, the AIDP specification reflects the conception and documents the reduction to practice of the subject matter recited in the pending claims.
3. More specifically, the AIDP specification describes a protocol for discovering devices on a network and installing, or configuring, those devices to effectively communicate on the network. At the time, the particular commercial application of the Avocent Install and Discovery Protocol allowed Avocent network client applications executing on network computers to discover and install Avocent Managed Appliances, such as Avocent's CPS, DS1800, and DSR products. (Exh. 1, p.

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3). The CPS, DS1800, and DSR products are types of serial data switches and keyboard, video, mouse switches ("KVM switches").

4. Although none of the claims are recited verbatim in the AIDP specification, the substance of each of the claims is indicated in the specification document, except where indicated otherwise. For example, the concepts of claim 1 can be found on page 3, paragraphs 1 and 4, the figure at the bottom of page 3, and page 4, section 1.2, first paragraph, of the AIDP specification.

5. The concepts of claim 2 can be found on page 3, first paragraph, page 4, section 1.2, including the embedded figure, of the AIDP specification.

6. The concepts of claim 3 can be found on page 5, section 1.2, last paragraph, of the AIDP specification.

7. Exhibit 2 is a true and correct copy of the DS1800 Installer/User Guide published in 2001 ("the DS1800 User Guide"). This is the installation and user guide for the DS1800 product referenced on page 3, first paragraph, as an example of an Avocent Managed Appliance that can be used with the AIDP protocol. The DS1800 User Guide documents the fact that the DS1800 was a managed appliance that operatively communicated keyboard, cursor control (or mouse), and video data between a group of computers and a standard LAN-type network. (See, for example, Exhibit 2, page 1). These are the concepts recited in claim 4.

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8. The concepts of claim 5 can be found on page 4, section 1.2, first paragraph, of the AIDP specification.

9. The concepts of claim 6 can be found on page 4, section 1.2, including the embedded figure, of the AIDP specification.

10. The concepts of claim 7 can be found on page 4, section 1.2, including the embedded figure, of the AIDP specification.

11. The concepts of claim 8 can be found on page 1 of the DS1800 User Guide.

12. The concepts of claim 9 can be found on page 1 of the DS1800 User Guide. For example, the sentence reading "The total number of concurrent users in the system is limited only by the number of available network ports." indicates that more than one (*i.e.*, a second, third, etc.) user workstation can communicate with the same managed appliance. The appliance can communicate the keyboard, video, and cursor control data between the attached group of computers and the second workstation.

13. The concepts of claim 10 can be found on page 3 of the AIDP specification, specifically the references to discovering and installing multiple appliances on a network. These concepts are also found in the AIDP specification on page 3, section 1.1, where the discovery messages are sent via a UDP broadcast to the subnet containing the appliances.

14. At the time we developed the AIDP protocol, I envisioned that the network between the workstation and the managed appliances could be a wireless network as

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described in claim 11 of the patent application. Such networks were in existence at the time.

15. In terms of claim 12, page 3 of the AIDP specification describes KVM switches as types of managed appliances suitable for use with the AIDP protocol (for example, the DS1800 and the DSR products). The DS1800 User Guide, for example, documents the fact that the DS1800 was a managed appliance that operatively communicated keyboard, cursor control (or mouse), and video data between a group of computers and a standard LAN-type network. (See, for example, Exhibit 2, page 1). Being a network-based device, the DS1800 had a circuit that sent and received messages across the network. The managed appliance could receive the SetIpConfigRequest message that caused the managed appliance to set the IP configuration of the managed appliance in response to the request message. The network-communication circuit in the appliance then could transmit the SetIpConfigReply message in response to the request message indicating the status of the IP configuration of the appliance. (AIDP specification, pp. 17-20).

16. The concepts of claim 13 can be found on page 3, first paragraph, page 4, section 1.2, including the embedded figure, of the AIDP specification.

17. The concepts of claim 14 can be found on page 5, section 1.2, last paragraph, of the AIDP specification.

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18. The DS1800 User Guide documents the fact that the DS1800 was a managed appliance that operatively communicated keyboard, cursor control (or mouse), and video data between a group of computers and a standard LAN-type network. (See, for example, Exhibit 2, page 1). These are the concepts recited in claim 15.

19. The concepts of claim 16 can be found on page 4, section 1.2, first paragraph, of the AIDP specification.

20. The concepts of claim 17 can be found on page 4, section 1.2, including the embedded figure, of the AIDP specification.

21. The concepts of claim 18 can be found on page 4, section 1.2, including the embedded figure, of the AIDP specification.

22. The concepts of claim 19 can be found on page 1 of the DS1800 User Guide. For example, the sentence reading "The total number of concurrent users in the system is limited only by the number of available network ports." indicates that more than one (*i.e.*, a second, third, etc.) user workstation can communicate with the same managed appliance. The appliance can communicate the keyboard, video, and cursor control data between the attached group of computers and the second workstation.

23. At the time we developed the AIDP protocol, I envisioned that the network between the workstation and the managed appliances could be a wireless network as

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described in claim 20 of the patent application. Such networks were in existence at the time.

24. The concepts of claim 21 can be found on pages 3-5, sections 1.1 and 1.2, and pages 10-13, 17-20 of the AIDP specification.

25. The concepts of claim 22 can be found on pages 4-5, section 1.2, of the AIDP specification.

26. The concepts of claim 23 can be found on pages 4-5, section 1.2, of the AIDP specification.

27. The concepts of claim 24 can be found on pages 4-5, section 1.2, of the AIDP specification.

28. The concepts of claim 25 can be found on page 3, section 1, first paragraph, pages 4-5, section 1.2, and the DS1800 User Guide, p. 1.

29. The concepts of claim 26 can be found on pages 4-5, section 1.2.

30. The concepts of claim 27 can be found on pages 4-5, section 1.2.

31. The concepts of claim 28 can be found on page 3, section 1, first paragraph, pages 4-5, section 1.2, and the DS1800 User Guide, p. 1.

32. As for claim 29, at the time we developed the AIDP protocol, I envisioned that the network between the workstation and the managed appliances could be a wireless network. Such networks were in existence at the time.

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33. The concepts of claim 30 can be found on pages 3-4, including the embedded figure, of the AIDP specification.

34. The concepts of claim 31 can be found on pages 4-5, section 1.2 and the embedded figure, of the AIDP specification.

35. The concepts of claim 32 can be found on pages 3-4, including the embedded figure, of the AIDP specification.

36. The concepts of claim 33 can be found on pages 4-5, section 1.2 and the embedded figure, of the AIDP specification.

37. The concepts of claim 34 can be found on pages 3-5 (sections 1.1 and 1.2) of the AIDP specification.

38. The concepts of claim 35 can be found on pages 3-5 (sections 1.1 and 1.2) of the AIDP specification.

39. The concepts of claim 36 can be found on page 3 (section 1) and pages 20-29 of the AIDP specification, and page 1 of the DS1800 User Guide.

40. The concepts of claim 37 can be found on pages 20-29 of the AIDP specification, and page 1 of the DS1800 User Guide.

41. The concepts of claim 38 can be found on pages 20-29 of the AIDP specification, and page 1 of the DS1800 User Guide.

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42. The concepts of claim 39 can be found on pages 3 (section 1) and pages 20-29 of the AIDP specification, and page 1 of the DS1800 User Guide.

43. The concepts of claim 40 can be found on pages 24 and 29 of the AIDP specification.

44. The concepts of claim 41 can be found on pages 24 and 29 of the AIDP specification.

45. The concepts of claim 42 can be found on page 3 (section 1) and pages 20-29 of the AIDP specification, and page 1 of the DS1800 User Guide.

46. The concepts of claim 43 can be found on pages 24 and 29 of the AIDP specification.

47. The concepts of claim 44 can be found on pages 24 and 29 of the AIDP specification.

48. The concepts of claim 45 can be found on page 3 (section 1) and pages 20-29 of the AIDP specification, and page 1 of the DS1800 User Guide.

49. The concepts of claim 46 can be found on pages 24 and 29 of the AIDP specification.

50. The concepts of claim 47 can be found on pages 24 and 29 of the AIDP specification.



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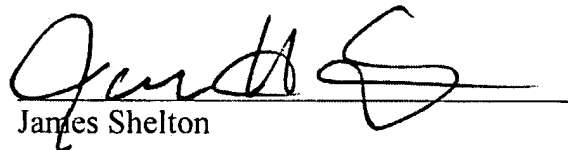
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51. The concepts of claim 48 can be found on pages 4-5 (section 1.2) of the AIDP specification.

52. The conception and actual reduction to practice of the subject matter recited in the pending claims occurred in the United States.

53. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made in this declaration may be punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and may jeopardize the validity of the application or any patent issuing thereon.

Dated: January 7, 2008

  
James Shelton